

November 26, 1997

MEMORANDUM

SUBJECT: Reasons for Extending Municipal Solid Waste (MSW) Landfill Section 111(d) Plan Submittal

FROM: Thomas C. Curran, Director /s/
Information Transfer and Program Integration Division (MD-12)

TO: Air Docket No. A-97-37

The Environmental Protection Agency (EPA) is announcing the extension of the submission deadline for the section 111(d) Plans for MSW landfills for the States of Alaska, Idaho, Illinois, Kentucky, New York, North Carolina, South Carolina, Tennessee, Texas, and Washington. Alaska is granted an extension to December 31, 1997; Idaho is granted an extension to December 31, 1997; Illinois is granted an extension to July 31, 1998; Kentucky is granted an extension to February 15, 1998; New York is granted an extension to July 5, 1998; North Carolina is granted an extension to July 1, 1998; South Carolina is granted an extension to January 15, 1998; Tennessee is granted an extension to December 31, 1997; Texas is granted an extension to July 31, 1998 and Washington is granted an extension to May 31, 1998.

Section 111(d) of the Clean Air Act requires States to submit Plans to the EPA that describe how it, the local air pollution agency or Indian Tribe will implement the MSW landfill Emission Guidelines (EG's). These EG's were promulgated on March 12, 1996 under 40 CFR 60 Subpart Cc (61 FR 9905).

However, under 40 CFR 60.27, the EPA Administrator is allowed to extend the period for submission of a section 111(d) Plan whenever he or she determines it is necessary. This memorandum discusses reasons why EPA should grant extensions for submittal of Plans for the above-listed States beyond the due date of December 12, 1996.

Alaska

The State of Alaska is working in good faith on their section 111(d) Plan as follows:

1. Alaska has identified an individual who is working on the Plan.
2. Alaska has already begun the legislative process for State rulemaking regarding existing landfills affected by the 111(d) requirements; however, the regulatory process for this rulemaking will not allow Alaska to submit a formal Plan until December 31, 1997. The State has committed to submitting a final approvable section 111(d) Plan to EPA by December 31, 1997.
3. Alaska has been providing regular updates to the EPA on their progress in preparing their Plan.

Idaho

The State of Idaho is working in good faith in the development of a section 111(d) Plan as follows.

1. Idaho has identified an individual who is working on the Plan.
2. The State has committed to submitting a final approvable section 111(d) Plan to EPA by December 31, 1997. Idaho is using its operating permits program to meet the requirements of the EG's and this process will not allow the State to have its Plan in place before this date.
3. Idaho is providing regular updates to EPA on their progress in preparing their Plan.

Illinois

The State of Illinois has demonstrated a good faith effort in developing the required section 111(d) Plan:

1. The individuals responsible for development of the Plan have been identified.
2. The State has kept EPA informed about the progress made on Plan development.
3. The necessary inventory of sources has been completed.
4. Public outreach on this proposal has taken longer than anticipated.
5. A regulatory proposal has been prepared and will be sent to EPA for review and comment.

6. Once comment is received from EPA, the regulatory proposal will be introduced before the Illinois Pollution Control Board, the independent State Board responsible for considering and adopting environmental protection regulations.

7. The State has committed to submitting an approvable Plan by July 31, 1998.

Kentucky

The Commonwealth of Kentucky has been making a good faith effort toward developing its section 111(d) Plan as described below:

1. Kentucky has identified the person responsible for development of the MSW landfill section 111(d) Plan.

2. A reasonable schedule for Plan adoption and submittal has been received by EPA. Kentucky has committed to submitting a final approvable section 111(d) Plan to EPA by February 15, 1998.

3. Due to extensive coordination with the Kentucky Division of Waste Management to determine the affected landfills under the EG's, the Division for Air Quality will be unable to complete the required emissions inventory until October 15, 1997. Notices of Intent to promulgate the state MSW landfill regulations have been forwarded for publication as part of the rulemaking process. The final state regulations to implement the MSW landfill EG's will be promulgated in January 1998.

4. Kentucky has made a commitment, in writing, to advise EPA, in a timely manner, of any problems that may further delay the section 111(d) Plan submittal.

5. The Jefferson County Air Pollution Control District will be submitting a section 111(d) Plan, through the Kentucky Division for Air Quality, by February 15, 1998, for their authority's affected MSW landfills.

New York

The State of New York is working in good faith in the development of their section 111(d) Plan as described below:

1. New York has identified two individuals responsible for the development of the Plan.

2. New York has already submitted to EPA a draft State Plan.

3. New York has committed to submitting a final adopted State Plan to EPA July 5, 1998, as their regulatory process will not allow completion of the Plan until then. New York,

while working on their draft Plan, will likely not receive New York State Environmental Board approval until late April 1998, since the Board only meets every three to four months.

4. New York is providing regular updates to EPA on their progress in preparing their Plan.

North Carolina

The State of North Carolina has been making a good faith effort toward developing its section 111(d) Plan as described below:

1. North Carolina has identified the person responsible for development of the MSW landfill section 111(d) Plan.

2. A reasonable schedule for Plan adoption and submittal has been received by EPA. North Carolina has committed to submitting a final approvable section 111(d) Plan to EPA by July 1, 1998.

3. Due to the legislative cycle in the State of North Carolina, the state rule for MSW landfills cannot be presented to the General Assembly until May 1998. Upon approval, the effective date of the rule will be July 1, 1998. North Carolina has submitted the draft state rule and emissions inventory to EPA.

4. North Carolina has made a commitment, in writing, to advise EPA, in a timely manner, of any problems that may further delay the section 111(d) Plan submittal.

5. The Forsyth County Environmental Affairs Department and the Western North Carolina Regional Air Pollution Control Agency each will be submitting a section 111(d) Plan, through the North Carolina Department of Environment, Health, and Natural Resources, by July 1, 1998, for their authority's affected MSW landfills.

South Carolina

The State of South Carolina has been making a good faith effort toward developing its section 111(d) Plan as described below:

1. South Carolina has identified the person responsible for development of the MSW landfill section 111(d) Plan.

2. A reasonable schedule for Plan adoption and submittal has been received by EPA. South Carolina has committed to submitting a final approvable section 111(d) Plan to EPA by January 15, 1998.

3. Due to questions concerning the appropriate legal authority to implement the MSW landfill EG's in the State of South Carolina, the rulemaking process was delayed and will not be completed until December 26, 1997.

4. South Carolina has made a commitment, in writing, to advise EPA, in a timely manner, of any problems that may further delay the section 111(d) Plan submittal.

Tennessee

The State of Tennessee has been making a good faith effort toward developing its section 111(d) Plan as described below:

1. Tennessee has identified the person responsible for development of the MSW landfill section 111(d) Plan.

2. A reasonable schedule for Plan adoption and submittal has been received by EPA. Tennessee has committed to submitting a final approvable section 111(d) Plan to EPA by December 31, 1997.

3. Due to delays in the rulemaking process in the State of Tennessee, approval of the state regulations will not be completed until December 1997.

4. Tennessee has made a commitment, in writing, to advise EPA, in a timely manner, of any problems that may further delay the section 111(d) Plan submittal.

5. The Chattanooga-Hamilton County Air Pollution Control Bureau, the Knox County Department of Air Pollution Control, and the Memphis-Shelby County Health Department each will be submitting a section 111(d) Plan, through the Tennessee Department of Environment and Conservation, by December 31, 1997, for their authority's affected MSW landfills.

Texas

The State of Texas has been making a good faith effort toward developing its section 111(d) Plan as described below.

1. Texas has identified three individuals as being responsible for development of the MSW landfill section 111(d) Plan.

2. Texas has committed to having a draft Plan developed and submitted to EPA for review, with a final submittal to EPA by July 31, 1998.

3. Research done by the State indicated a large number of closed landfills would be affected by the EG's. These landfills would emit below the 50 megagrams (Mg) nonmethane

organic compounds (NMOC) cutoff by the expected compliance date of 2000. Texas worked extensively with EPA to develop an approach that would allow the State to exempt these closed landfills. Efforts put forth to develop this demonstration and exclusion policy have delayed development of the remainder of Texas' Plan. In addition, Texas' rulemaking procedures take at least 6 months to complete.

Washington

The State of Washington is working in good faith on their section 111(d) Plan as follows.

1. Washington has identified an individual who is working on the Plan.
2. The State has committed to submitting a section 111(d) Plan to EPA by May 31, 1998. The regulatory process in Washington will not allow completion of the Plan until that date.
3. Washington is providing regular updates to EPA on their progress in preparing their Plan.

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